

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRETT DAVID SONIA,

CASE NO. C18-5706 BHS

Petitioner,

V.

WARDEN NEW HAMPSHIRE STATE
PRISON and RON HAYNES,

ORDER DENYING PETITIONER'S
MOTION FOR AN EXTENSION
OF TIME AND MOTION FOR
SANCTIONS AND DISMISSING
PETITION WITHOUT PREJUDICE

Respondents.

This matter comes before the Court on Petitioner Brett David Sonia's

(“Petitioner”) motion for an extension of time, Dkt. 10, and motion for sanctions, Dkt. 11.

1 On August 30, 2018, Petitioner filed a motion to proceed *in forma pauperis*, Dkt.
2 1, and petition asserting that she was convicted in the State of New Hampshire in 2005 of
3 three counts of aggravated felonious assault and five counts of possession of child
4 pornography, and sentenced to three consecutive sentences of up to 20 years each. Dkt.
5 1-1 at 1. She asserts claims based on the voluntariness of her plea as well as several
6 grounds related to the conditions of confinement. *Id.* at 42–58.

7 On October 24, 2018, the Honorable Theresa L. Fricke, United States Magistrate
8 Judge, issued a report and recommendation (“R&R”) recommending that the Court deny
9 the motion to proceed *in forma pauperis* because Petitioner can afford the \$5 filing fee
10 given that her “prison trust account indicates she has average monthly receipts of \$47.71
11 and an average spendable balance of \$21.11.” Dkt. 8 at 3. On November 19, 2018, the
12 Court adopted the R&R and required Petitioner to pay the filing fee within 30 days or
13 face dismissal of the petition without prejudice. Dkt. 9.

14 On November 27, 2018, Petitioner filed a motion for an extension of time
15 requesting an additional 90 days to pay the filing fee. Dkt. 10. Petitioner also filed a
16 motion for sanctions against the Washington Department of Corrections (“DOC”). Dkt.
17 11. The Court **DENIES** both motions. First, Petitioner fails to address why she is unable
18 to pay the filing fee. Instead, she seeks an extension to research the merits of her claims,
19 which is wholly unrelated to paying \$5 to prosecute those claims. Therefore, the Court
20 denies the motion for an extension.

Second, Petitioner's motion for sanctions is procedurally improper because it requests relief against the DOC, which is not a party to this action. Therefore, the Court denies this motion.

Finally, the Court finds that Petitioner's failure to pay the filing fee as directed results in dismissal of the petition without prejudice. The Clerk shall close this case.

IT IS SO ORDERED.

Dated this 14th day of January, 2019.


BENJAMIN H. SETTLE
United States District Judge